

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CAF No. 1787 OF 2016

IN

FIRST APPEAL No. 354 OF 2003

Smt. Namrata wd/o Ashok Laddha and 5 others.

Vs.

Dadarao Madhukar Mankar and 2 others.

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

CORAM : PRASANNA B. VARALE, J.

DATED : 14th JUNE, 2016.

Heard Mr. S.A. Mohta, the learned counsel for the applicants. Mr. Mohta invited my attention to the judgment and order dated 29.2.2016 passed by this Court and submitted that the appeal filed by the applicants/claimants was allowed by this Court. He has further submitted that this Court observed that the claimants are entitled to the total amount of compensation of Rs. 5,90,000/- along with interest. He further submitted that in view of this judgment and order passed by this Court, the Insurance Company i.e. respondent no.3 deposited the amount of Rs. 8.76,739/- vide cheque dated 5.4.2016 in the Registry of this Court. Mr. Mohta, learned counsel on this factual aspects prayed for withdrawal of the amount deposited by the respondent no.3 in this Court.

Perused the judgment and order passed by this Court and the pursis dated 6.4.2016 filed by the learned counsel on behalf of the respondent no.3.

In view of the submissions of Mr. Mohta, the learned counsel for the applicants/appellants and the factual

position referred to above, the application is allowed in terms of prayer clause(i).

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Mr. Mohta, learned counsel submitted that this Court by judgment and order dated 29.2.2016 allowed the appeal filed by the applicants/claimants. In view of this judgment and order passed by this Court, the respondent no.3 deposited an amount of Rs.8,76,739/- in this Court. He further submits that the appellant no.1 be permitted to withdraw the said amount on behalf of herself and the other appellants namely appellant nos. 2 to 6. He further submits that appellant nos. 2,3 & 4 are daughters of appellant no. 1 and appellant nos. 5 & 6 are the in-laws of appellant no.1. He submitted that the appellant nos. 2 to 6 have no objection if the amount is permitted to be withdrawn by appellant no.1. The application is duly signed by the appellant nos.1 to 6 namely, Smt. Namrata, Ku. Nayan, Ku. Kamana, Ku. Mahima, Sau. Kaushalyadevi Laddha and Laxminarayan Laddha.

In view of the submission of Mr. Mohta and for the reasons stated in the application, the application is allowed in terms of prayer (i).

JUDGE